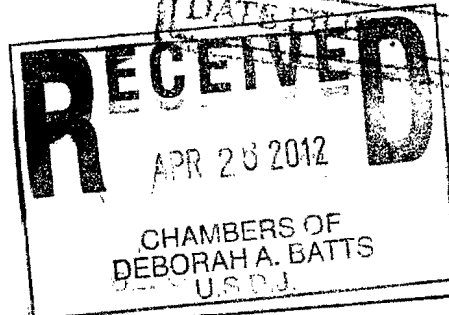


MEMO ENDORSED

April 26, 2012

The Honorable Deborah A. Batts
United States District Judge
United States Courthouse
500 Pearl Street, Rm. 2510
New York, New York 10007



Re: *Europa Maritime S.A. v. Manganese Transatlantic Corp.*
Case No.: 08-CV-09523 (DAB)

Dear Judge Batts:

We write this letter to renew our request that Your Honor schedule a pre-motion conference in this case pursuant to the Court's individual practices regarding motions. Defendant Manganese Transatlantic Corp. ("MTAC") seeks to move the Court for declaratory judgment declaring MTAC's rights with respect to the agreement between the parties concerning arrangements made following the initial Rule B garnishment of EFT funds. *Jaldhi* created a defense of lack of personal jurisdiction in these cases. *Hawknet* later eliminated the waiver for failure to preserve the defense.

In this case, the parties reached an agreement regarding security well before the Second Circuit's decision in *Jaldhi*. Point 6 of the agreement read as follows in its entirety:

6. Both disponent owner and charterer reserve all their rights going forward.

Plaintiff has maintained that MTAC nevertheless has no right to raise the defense at all. Defendant seeks a declaration that it has the right under the agreement to raise the personal jurisdiction defense revealed by *Jaldhi* and made retroactive by *Hawknet* and that Defendant has not waived the *Jaldhi/Hawknet* personal jurisdiction defense at all or with respect to the garnished funds by entering into the agreement and reserving its rights.

We respectfully request that the Court set a date and time for a pre-motion conference to arrange for the prompt resolution of this issue. Thank you for your time and consideration.

Respectfully submitted,

SO ORDERED

Deborah A. Batts

Richard J. Colosimo

Richard J. Colosimo
Attorney For Defendant

DEBORAH A. BATTS
UNITED STATES DISTRICT JUDGE

ADMITTED IN NEW YORK, NEW JERSEY, & CALIFORNIA

MEMO ENDORSED